

## AMENDMENTS

1976—Pub. L. 94-273 substituted “March” for “December” and “December” for “September”.

## TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of United States by section 101 of Reorg. Plan No. 2 of 1970. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72, 72a of this title.

**§ 74a. Sale by the Secretary of the Interior of lands no longer needed for public purposes**

The Secretary of the Interior, with the approval of the National Capital Planning Commission, is authorized, in his discretion, for the best interests of the United States, to sell and convey, in whole or in part, by proper deed or instrument, any real estate held by the United States in the District of Columbia and under the jurisdiction of the National Park Service, which may be no longer needed for public purposes for cash, or on such deferred-payment plan as the Secretary of the Interior may approve, at a price not less than that paid for it by the Government and not less than its present appraised value as determined by him.

(Aug. 5, 1939, ch. 449, § 4, 53 Stat. 1211; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

## CODIFICATION

Section is also set out in D.C. Code, § 9-404.

## REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

## TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

**§ 74b. Sale to highest bidder; rights of abutting owner**

In selling any parcel of land under sections 72c to 72e and 74a to 74c said Secretary shall cause

such public or private solicitation for bids or offers to be made as he may deem appropriate, and shall sell the parcel to the party agreeing to pay the highest price therefor if such price is otherwise satisfactory: *Provided*, That in the event the price offered or bid by the owner of any lands abutting the lands to be sold equals the highest price offered or bid by any other party, the parcel may be sold to such abutting owner.

(Aug. 5, 1939, ch. 449, § 5, 53 Stat. 1211.)

## CODIFICATION

Section is also set out in D.C. Code, § 9-405.

## REPEALS

For repeal, see note under section 74a of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 72e of this title.

**§ 74c. Expenses of sale; disposition of proceeds**

Said Secretary is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury to the credit of the United States and the District of Columbia in the proportion that each paid the appropriations from which the parcels of land were acquired or were obligated to pay the same, at the time of acquisition, by reimbursement.

(Aug. 5, 1939, ch. 449, § 6, 53 Stat. 1211.)

## CODIFICATION

Section is also set out in D.C. Code, § 9-406.

## REPEALS

For repeal, see note under section 74a of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

**§§ 75 to 77. Omitted**

## CODIFICATION

Section 75, acts July 1, 1898, ch. 543, § 2, 30 Stat. 570; Feb. 2, 1904, ch. 89, 33 Stat. 10; Apr. 14, 1906, ch. 1622, 34 Stat. 112; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to park system in District of Columbia and rules relating to improvements, parking spaces, and business streets. See D.C. Code, § 8-104.

Section 76, acts June 5, 1920, ch. 235, 41 Stat. 898; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to vehicle and traffic regulations issued and enforced by Director of National Park Service in District of Columbia. See D.C. Code, § 8-105.

Section 77, act May 27, 1924, ch. 199, § 9, 43 Stat. 176, related to appointment and powers of special police in District of Columbia. See D.C. Code, § 4-205.

**§ 77a. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656**

Section, act Aug. 11, 1951, ch. 301, title I, 65 Stat. 185, authorized a detail of Secret Service Agents to supervise the guard for Treasury Department buildings.

Acts May 6, 1939, ch. 115, title I, 53 Stat. 657; Mar. 25, 1940, ch. 71, title I, 54 Stat. 57; May 31, 1941, ch. 156, title I, 55 Stat. 214; Mar. 10, 1942, ch. 178, title I, 56 Stat. 152; June 30, 1943, ch. 179, title I, 57 Stat. 260; Apr. 22, 1944, ch. 175, title I, 58 Stat. 204; Apr. 24, 1945, ch. 92, title I, 59 Stat. 64; July 20, 1946, ch. 588, title I, 60 Stat. 576; July 1, 1947, ch. 186, title I, 61 Stat. 222; June 14, 1948, ch. 466, title I, 62 Stat. 413; June 30, 1949, ch. 286, title

I, 63 Stat. 362; Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 638, contained similar provisions to section 77a of this title, prior to repeal by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 650 to 656.

### § 78. Omitted

#### CODIFICATION

Section, acts July 1, 1898, ch. 543, §4, 30 Stat. 570; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to use of spaces and reservation of spaces for widening roadways in the District of Columbia. See D.C. Code, §8-123.

### § 79. Transfers of jurisdiction between Director of National Park Service and Mayor of District of Columbia

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred from the jurisdiction of the Director of the National Park Service, as established by this Act to that of the Mayor of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

(July 1, 1898, ch. 543, §5, 30 Stat. 570; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933, Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. 1, §303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Dec. 24, 1973, Pub. L. 93-198, title IV, §421, 87 Stat. 789.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act July 1, 1898, ch. 543, 30 Stat. 570, as amended, which enacted sections 60, 75, 78, 79, and 80 of this title and amended section 67 of this title. Sections 60, 67, 75, 78, and 80 of this title have been omitted from the Code. See sections 8-106, 5-204, 8-104, 8-123, and 8-137 of the D.C. Code. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section is also set out in D.C. Code, §8-129.

Act July 1, 1898 applied to transfers of land from the jurisdiction of the Chief of Engineers of the United States Army, as established by said act to that of the Commissioners of the District of Columbia, or vice versa.

#### TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. 1, of 1939.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings and Reservations of Department of the Interior by Ex. Ord. No. 6166. Name of latter office changed to "National Park Service" by act Mar. 2, 1934.

Office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers

and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, "Mayor" substituted in text for "commissioners".

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transfer of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of the Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

#### CROSS REFERENCES

General authorization for transfer; recommendation by National Capital Planning Commission; reports to Congress, see section 122 of this title.

### §§ 80, 81. Omitted

#### CODIFICATION

Section 80, acts July 1, 1898, ch. 543, §6, 30 Stat. 571; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to authority to make regulations for care of public grounds. See D.C. Code, §8-137.

Section 81, acts Mar. 4, 1909, ch. 299, 35 Stat. 994; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983, related to authority to make regulations for care of sidewalks. See D.C. Code, §8-138.

### § 82. Public spaces resulting from filling of canals under jurisdiction of Director

All public spaces resulting from the filling of canals in the original city of Washington not under the jurisdiction of the Director of the National Park Service as of August 1, 1914, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station, respectively, are placed under the jurisdiction of the Director of the National Park Service and shall be laid out as reservations as a part of the park system of the District of Columbia.

(Aug. 1, 1914, ch. 223, 38 Stat. 633; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

#### CODIFICATION

Section is also set out in D.C. Code, §8-139.

Section is based on Sundry Civil Appropriation Act Aug. 1, 1914, fiscal year 1915.

#### TRANSFER OF FUNCTIONS

For transfer of functions from Chief of Engineers of United States Army to Director of National Park Service by act Feb. 26, 1925, Ex. Ord. No. 6166, and by act Mar. 2, 1934, see note set out under section 73 of this title.